

GARDEN STATE CLE LESSON PLAN

A 1.5 CLE CREDIT COURSE

FREE DOWNLOAD LESSON PLAN AND EVALUTION

DWI CASE MANAGEMENT

WITH

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**RETIRED PRESIDING MUNICIPAL COURT JUDGE,
MERCER COUNTY VICINAGE**

AND FEATURING

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Program Description

One of the biggest responsibilities a municipal court judge faces is the timely resolution of drunk driving cases. This 1.5 credit CLE program will provide you with many tips on how you can quickly resolve these types of cases while doing individual justice in each case.

I. INTRODUCTION

II. DIRECTIVE 1-84 ON DISPOSITION: 60 DAYS Target Disposition

- Presumption of innocence and risk to public need balancing
- It is a goal, not a requirement. DWIs have greater complexity

III. ARRAIGNMENT

- Before a Judge or Judicial officer, including Court Administrator per the Statute NJSA 39:5-6.
- Set a deadline for retention of counsel, explain the benefits of having counsel represent you
- Resolve indigency issues

IV. ADJOURNMENTS

- There is SOME limited room for postponements

V. PRE TRIAL DATES

- First is two weeks from attorney involvement

VI. ISSUE CHECKLIST PREPARED AT THE COUNTY LEVEL IN MERCER COUNTY

VII. THE ALCOTEST INSTRUMENT

VIII. RESOLVE DISCOVERY ISSUES

- **State Police**
- **Local Police**
- **Time consumption issues for Prosecutors**

IX. STATE v. HOLUP ISSUES

- Sanctions for Prosecutors for failing to supply discovery. Rule 7:7-7(h).
- State v. Holup, 253 N.J. Super. 320 (App. Div. 1992)
- Policy favors resolution on the merits not for discovery problems but Courts will entertain *Holup* motions

X. BLOOD BAC RESULTS

XI. MARIJUANA CASES

- Bifurcation of Drunk driving from Marijuana?
- Motions can cause cases to be delayed for > 60 days.

XII. GETTING THE DEFENDANTS INTO COURT EVERY WEEK OR EVERY TWO WEEKS HELPS RESOLVE CASES

XIII. MOTIONS AND BRIEFS

XIV. ALCOHOLISM, TREATMENT AND JAIL CREDIT FOR INPATIENT TREATMENT

- Inpatient treatment can delay the case to a degree. But long term treatment will not adjourn a case for six months to allow for treatment
- Credit for inpatient treatment running AFTER the jail sentence per AOC Directive, a “back end of sentence” allowance including requirements of contact with the court

XV. PLEA BARGAINING, PLEA ENTRY AND SENTENCING

- Victims' rights legislation NJSA 39:4-50.10 et seq. and in the NJ Constitution at Article I, para 22.
- Witness attendance, Police Officers
- Driving Abstract is required for sentencing purposes
- Sentencing as a first or second offender or subsequent offender
- In re Selig, 180 N.J. 234 (2004)
- Doing individual justice. State v. Moran, 202 N.J. 311 (2010)

XVI. START TO FINISH EFFICIENCY

- Well-trained staff
- Attention to detail
- Micromanagement of the case
- Justice in New Jersey is seen most frequently in the Municipal Court
- It's not a cattle call, the MC is no place for rudeness; impartiality and individual justice are required for the system to survive with respect